

**Congress of the United States**  
**Washington, DC 20515**

October 20, 2008

General Michael B. Mukasey  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear General Mukasey:

We write in regard to the Supreme Court's October 17, 2008 decision vacating the temporary restraining order (TRO) directing the Ohio Secretary of State to comply with Section 303 of the *Help America Vote Act* (HAVA) and to request that the Department of Justice use its enforcement authority under Section 401. The Department's involvement is critical since the Court's decision is based solely on the lack of standing of a private party to enforce HAVA's requirements. The Sixth Circuit's en banc analysis that the Ohio Secretary of State is not in compliance with HAVA was not addressed by the Supreme Court. Thus, it remains uncontested that the Secretary of State has failed to adhere to the confines of the statute. Moreover, given the Supreme Court's decision, it now appears that under HAVA only the Department of Justice may enforce its provisions.

As you are aware, Section 303 is a key component of HAVA, requiring the chief election officer of each state to maintain a computerized statewide voter registration list that contains the most up-to-date information on each registered voter in the state. News reports suggest that information on as many as 200,000 of the 666,000 newly-registered voters in the State of Ohio does not match information contained in the state's voter registration database. Cross checking these newly-registered voters with the list maintained by Ohio's Secretary of State is critical to ensuring that the integrity of the electoral process is maintained.

Moreover, given that Election Day is less than three weeks away, the timely resolution of these discrepancies is crucial. Thus, we strongly urge you to look into the matter and enforce Section 303 as appropriate.

Sincerely,

Sten Chabot

DiJaur

John A. Boehner

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Dave Hobbs

Pat Liben

Alan Schmidt

Don Pyce

Rob E. Jett

List of signers

Rep. Steve Chabot  
Rep. Jim Jordan  
Rep. David Hobson  
Rep. Jean Schmidt  
Rep. Robert Latta

Rep. John Boehner  
Rep. Ralph Regula  
Rep. Patrick Tiberi  
Rep. Deborah Pryce